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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,036	02/13/2002	John Joseph Mascavage III	020375-002100US	7402

20350 7590 11/23/2007  
TOWNSEND AND TOWNSEND AND CREW, LLP  
TWO EMBARCADERO CENTER  
EIGHTH FLOOR  
SAN FRANCISCO, CA 94111-3834

EXAMINER
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MAGUIRE, LINDSAY M

ART UNIT	PAPER NUMBER
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3692

MAIL DATE	DELIVERY MODE
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11/23/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/076,036	MASCAVAGE ET AL.
	Examiner Lindsay M. Maguire	Art Unit 3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 09 October 2007.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-22 and 24-27 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-22 and 24-27 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date See Continuation Sheet.

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_.

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :4/6/06, 5/23/05, 3/11/03, 3/26/02.

**DETAILED ACTION**

This Non-Final Office Action is in response to the application filed on February 13, 2002 and the amendments filed on January 31, 2007, and the Appeal Brief filed on October 9, 2007.

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

***Information Disclosure Statement***

The information disclosure statements filed May 23, 2005 and April 6, 2006 fail to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because not every reference is accompanied by a date. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

In the interest of compact prosecution, those references accompanied by a date have been considered, however those missing a date have not been.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-22 and 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,699,528 (Hogan '528) in view of [www.tomsown.com/htmlsnippet.html](http://www.tomsown.com/htmlsnippet.html) (Tomsown).

Hogan '528 discloses a method for facilitating payment between a buyer and a seller with an online money transfer performed over a wide area network, the method comprising steps of: receiving login information relevant to a vending site, wherein the login information is associated with the seller (305); automatically determining listings at the vending site associated with the seller (314, 385); generating a plurality of HTML codes for the listings, wherein each code includes a link (Figure 3); automatically inserting one of the plurality of codes into each of the listings, wherein activating the link points a web browser to a payment enabler that can transfer money from the buyer to the seller (Figure 4); determining the listing has changed (see Figure 4, the word "NONE" indicates that the listing has changed) changing a graphic indicated by the code, which is caused, at least in part, by the determining step (i.e. changing a monetary amount to the word "NONE"). Furthermore, Hogan '528 discloses that one of the plurality of codes indicates a graphic associated with the code and information

unique to the seller and a listing including the seller (i.e. the amount of money owed; see Figure 4); wherein the determining step comprises a step of concluding the listing has matured (i.e. bill has been paid or is due), whereby the purchaser is fixed (see Figures 4 and 8B); and the changing step comprises a step of modifying a button graphic displayed by the code to reflect the listing is available to the buyer (i.e. the button changes to say "due"). Hogan '528 further includes the steps of determining one of the plurality of listings has matured (i.e. been paid or is due), whereby the buyer is fixed; automatically determining the electronic address of the purchaser, and automatically sending a message to the electronic address of the purchaser (see Figure 6; 610); automatically sending a message to the electronic address of the purchaser (Figure 6); wherein the message is an e-mail message (610); further comprising a step of determining a purchase price from the vending site (see Figure 4); wherein the message includes a code that points to the payment enabler and includes information relating to a listing associated with the snippet (see Abstract, lines 8-13); further comprising a step of determining from the vending site the e-mail address of the buyer (Figure 6).

Hogan '528 also discloses a step of receiving selection of a button graphic for display by code (Figure 4); receiving authorization from the buyer to debit a money handler associated with the buyer (835); adding a credit in a stored value account of the seller as a result of the receiving authorization step (column 5, lines 1-15); further comprising a step of receiving a shipper selection (i.e. which bill is being paid) and a

purchase price (i.e. how much of the bill is being paid); further comprising a step of receiving from the seller a message that is embedded in the plurality of codes for display as part of each listing (i.e. the bill is ready to be paid; 817); further comprising a step of receiving login information relevant to a plurality of vending sites wherein the login information for each of the plurality of vending sites is associated with the seller (813).

Hogan '528 discloses the device substantially as claimed with the exception of requiring the use of html snippets (claims 1-3, 7, 9, 12, 14-16, 21, 22, and 27. However, Tomsown discloses that the use of html snippets in links and buttons is well known in the art to place a link associated with a graphic or button. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hogan '528, in view of the teachings of Tomsown, to include the use of HTML snippets for the basic reasoning of creating buttons that act as links for users.

***Requirement for Information Under 37 CFR §1.105***

Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application. Specifically, it is requested that applicant give a concise statement of the relevance on all cited references who's dates

are before 1950. It is unclear to the examiner how references from 1874, 1873, 1908, etc. are relevant to the current application.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lindsay M. Maguire whose telephone number is 571-272-6039. The examiner can normally be reached on M-F: 7-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on (571) 272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Lindsay M. Maguire  
11/19/07



Kambiz Abdi  
SPE 3692

KAMBIZ ABDI  
SUPERVISORY PATENT EXAMINER